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**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

IN RE: SOCIAL MEDIA ADOLESCENT
ADDICTION/PERSONAL INJURY PRODUCTS
LIABILITY LITIGATION

THIS DOCUMENT RELATES TO:

All Actions

MDL No. 3047

Case Nos.: 4:22-md-03047-YGR-PHK

**[PROPOSED] ORDER RESOLVING
JOINT LETTER BRIEF REGARDING
DISPUTES OVER PRIVILEGE ISSUES IN
CONNECTION WITH THE DEPOSITION
OF JASON SATTIZAHN (ECF 2454)**

Judge: Hon. Yvonne Gonzalez Rogers
Magistrate Judge: Hon. Peter H. Kang

On November 17, 2025, Defendants Meta Platforms, Inc. f/k/a Facebook, Inc.; Facebook Holdings, LLC; Facebook Operations, LLC; Meta Payments Inc. f/k/a Facebook Payments Inc.; Meta Platforms Technologies, LLC f/k/a Facebook Technologies, LLC; Instagram, LLC; and Siculus LLC f/k/a Siculus, Inc. (collectively, “Meta”); MDL Personal Injury and School District (“PI/SD”) Plaintiffs, MDL State AGs, and JCCP Personal Injury Plaintiffs (collectively, “Plaintiffs”); and third-party Jason Sattizahn (together with Meta and Plaintiffs, the “Parties”) filed a joint letter brief regarding disputes over Meta’s motion for a protective order on privilege issues in connection with the deposition of Jason Sattizahn. ECF 2454. The Court heard argument on the Parties’ dispute on December 1, 2025. Having considered the Parties’ arguments, the Court hereby ORDERS as follows:

BACKGROUND

Meta previously moved to strike Sattizahn from Plaintiffs’ preliminary witness lists. ECF 2315. The Court denied Meta’s motion but granted leave for Meta to take Sattizahn’s deposition, by no later than December 11, 2025. ECF 2348. Meta subsequently noticed the deposition, which is now scheduled to take place on December 8, 2025. The Parties previously agreed that the deposition will be an eight-hour deposition, and that all plaintiffs in attendance (including Plaintiffs here as well as the New Mexico Attorney General (“AG”) and other State AGs suing Meta in state courts around the country) will collectively have four hours, with Meta having the remaining four hours.

On November 21, 2025, the court presiding over the New Mexico action against Meta ruled that New Mexico would be permitted to question Sattizahn at the December 8 deposition regarding Sattizahn’s previous testimony before the Senate, in which he made allegations regarding the role of Meta personnel and attorneys in the conduct of research. The New Mexico court further ordered that Meta’s participation in the deposition and its questioning of Sattizahn would not constitute a waiver of any privilege, and that Meta’s objections on the basis of privilege would be reserved until after the deposition, with the transcript to remain sealed until after the New Mexico court rules on those objections. Finally, the New Mexico court ordered that only counsel for Meta and New Mexico could attend the New Mexico portion of the Sattizahn deposition, unless other courts in related litigation (including this MDL) issued orders imposing the same or similar conditions. In ruling that New Mexico could question Sattizahn on the substance of his communications with Meta’s in-house counsel, the New Mexico court stated its expectation that any

1 privilege disputes following the deposition would be promptly raised in the New Mexico court. Attached
2 hereto as Exhibit 1 is a true and correct copy of a rough transcript of the New Mexico hearing where these
3 orders were made, which was supplied to this Court by counsel for the Parties.

4 ORDER

5 In light of the New Mexico court's order, Meta's motion for a protective order is DENIED.
6 Instead, the Court rules that MDL and JCCP Plaintiffs may attend the New Mexico portion of Sattizahn's
7 deposition on December 8, 2025, on the terms ordered by the New Mexico court, subject to the following
8 conditions: (1) they will not ask any questions during the New Mexico portion of the deposition; (2) they
9 will not ask any questions relating to alleged spoliation or communications with Meta's counsel, which
10 will be handled exclusively by attorneys for New Mexico; (3) they will not take the position that Meta
11 waived privilege by virtue of allowing them to attend the New Mexico portion of the deposition; and (4)
12 they agree that the attorney-client privilege is Meta's—not Sattizahn's—to waive. Counsel for MDL
13 Plaintiffs, JCCP Plaintiffs, and Sattizahn confirmed on the record at the December 1, 2025 hearing that
14 they would abide by these conditions, and they are hereby ORDERED to do so.¹ As a matter of judicial
15 efficiency, any privilege disputes following the deposition should be raised promptly with the New
16 Mexico court; while the New Mexico court's rulings on those disputes will not be binding in the MDL or
17 JCCP (and the Parties reserve the right to challenge Meta's privilege objections at a later time in this
18 Court), having the New Mexico court rule in the first instance may narrow the range of disputes that may
19 otherwise need to be resolved by this Court. The Parties are hereby ORDERED to coordinate with New
20 Mexico to prepare and submit a Stipulation and Proposed Order to the New Mexico court allowing MDL
21 and JCCP Plaintiffs to attend the New Mexico portion of Sattizahn's deposition on December 8, 2025, on
22 the terms outlined above.

23 This Order does not address the admissibility of the transcript of Sattizahn's deposition in any
24 proceeding; the Parties reserve the right to seek (or object to) the admissibility of the transcript at any trial,
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27 ¹ Meta maintains that Sattizahn's testimony before Congress did not waive Meta's privilege, and Plaintiffs
28 maintain that Meta's failure to take remedial steps constituted a waiver.

1 and any arguments as to admissibility shall be raised at the appropriate time with the Court presiding over
2 the trial at issue (i.e., Judge Gonzalez Rogers for the MDL and Judge Kuhl for the JCCP).

3 In connection with the Joint Letter Brief filed at ECF 2474, on which the Court also heard argument
4 on December 1, 2025, the Parties are ORDERED to file a notice on the docket attaching a copy of the
5 D.C. court's order on Meta's motion for reconsideration as soon as that order issues, and to also email a
6 courtesy copy to phkpo@cand.uscourts.gov.

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8 **IT IS SO ORDERED.**

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11 Dated: December __, 2025

12 HONORABLE PETER H. KANG
13 United States District Court Magistrate Judge
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1 Dated: December 4, 2025

Respectfully submitted,

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ATTESTATION

I, Ashley M. Simonsen, hereby attest, pursuant to N.D. Cal. Civil L.R. 5-1, that the concurrence to the filing of this document has been obtained from each signatory hereto.

Dated: December 4, 2025

By: /s/ Ashley M. Simonsen

Ashley M. Simonsen